

Exhibit

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COMMONWEALTH OF VIRGINIA



BRUNSWICK CIRCUIT COURT
Civil Division
216 NORTH MAIN STREET
LAWRENCEVILLE VA 23868
(434) 848-2215

Summons

To: MEHERRIN RIVER REGIONAL JAIL A
CRYSTAL WILLETT, SUPERINTENDEN
9000 BOYDTON PLANK ROAD
ALBERTA VA 23821

Case No. 025CL21000196-00

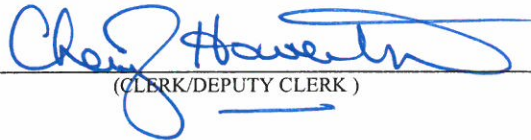
The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Thursday, July 29, 2021

Clerk of Court: JACQUELINE S MORGAN

by


(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name:

VIRGINIA: IN THE CIRCUIT COURT OF BRUNSWICK COUNTY

MAKAYLA J. CLARY,

Plaintiff,

v.

Case Number: CL 21-196

MEHERRIN RIVER REGIONAL JAIL AUTHORITY,

Defendant,

**SERVE: Crystal Willett, Superintendent
9000 Boydton Plank Road
Alberta, Virginia, 23821**

COMPLAINT

COMES NOW Plaintiff, MAKAYLA J. CLARY, by counsel, pursuant to Section 53.1-95.7(11) of the Code of Virginia, 1950, as amended, and the Family and Medical Leave Act of 1993 § 2617, 29 U.S.C. 2617 § (2008), moves this Honorable Court for judgment against Defendant, MEHERRIN RIVER REGIONAL JAIL AUTHORITY, on the grounds and in the amount set forth below:

1. Plaintiff is an individual and, at all times pertinent to this complaint, resided in Emporia, Virginia.

2. Defendant is, and at all times pertinent to this complaint was, a regional jail authority, organized pursuant to Section 53.1-95.2, *et seq.*, of the Code of Virginia, 1950, as amended, existing under the laws of the Commonwealth of Virginia.

3. Defendant administers, operates, and manages Meherrin River Regional Jail, an adult detention facility that serves three (3) member jurisdictions: Brunswick County, Dinwiddie County, and Mecklenburg County, Virginia.

4. Defendant currently employs, and at all times mentioned in this complaint employed, more than fifty (50) employees for each working day during each

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of the twenty (20) or more calendar workweeks in each calendar year relevant to this action.

5. At the time of the incident relevant to this action, Plaintiff was employed by Defendant at the Meherrin River Regional Jail, located at 9000 Boydton Plank Road, Alberta, Virginia, 23821.

6. At the time of the incident relevant to this action, Plaintiff suffered from a damaged Achilles tendon in her right leg and the physical limitations caused thereby, which resulted from a January 2011 all-terrain vehicle accident.

7. On or about the 1st day of April 2020, Plaintiff began to experience severe right leg pain as the result of the aforementioned damaged Achilles tendon.

8. The severe right leg pain caused Plaintiff by her damaged Achilles tendon incapacitated her to the extent that she was unable to perform the essential duties of her job and other normal daily activities.

9. On or about the 14th day of April 2020, Plaintiff sought treatment for her right leg pain from her personal care physician, Leanne W. Rawlings, NP, who recommended that Plaintiff only work "light duty."

10. Defendant placed Plaintiff on "light duty" for a thirty (30) day period, from April 14, 2020 through May 14, 2020, wherein Plaintiff was reassigned to a light duty post.

11. On or about the 29th day of April 2020, Plaintiff sought further treatment for her right leg pain from a specialist, Dr. Robert K. Lark, MD, with Duke Orthopaedics of Raleigh, who had concluded that Plaintiff required a surgical procedure to repair the aforementioned damaged Achilles tendon, referred Plaintiff to

the Division of Vascular and Endovascular Surgery of Duke Vascular Specialists of Raleigh for an evaluation to conclusively eliminate the possibility that her right leg pain was due to vascular claudication and peripheral artery disease.

12. On or about the 14th day of May 2020, Duke Orthopaedics of Raleigh transmitted a request to Defendant for Plaintiff to remain on light duty.

13. On or about the 19th day of May 2020, Plaintiff informed Defendant that she had a scheduled appointment with Dr. Christopher Robert Longo, MD of the Division of Vascular and Endovascular Surgery of Duke Vascular Specialists of Raleigh, on May 22, 2020.

14. On or about the 20th day of May 2020, while Plaintiff was working her assigned shift with Defendant, Rodney Jacobs, agent of Defendant, called Plaintiff into his office and informed her that the extension of her “light duty” assignment had been denied by Defendant, and that because of her serious health condition, the limitations caused therefrom, her likely impending surgery, and because the date of such surgery had yet to be determined, Plaintiff would be terminated from her employ with Defendant, unless she resigned immediately. Rodney Jacobs indicated that Plaintiff “had no choice” other than to resign.

15. Plaintiff felt forced, coerced, and pressured to resign by the actions and statements of Rodney Jacobs, agent of Defendant.

16. Rodney Jacobs, agent of Defendant, then typed a resignation letter, which Plaintiff endorsed, effective May 20, 2020.

17. Plaintiff’s forced resignation caused her to lose her medical insurance and prevented her from seeking the additional medical care required to treat and repair

the aforementioned Achilles tendon, which was causing her severe pain in her right leg.

18. The actions of Defendant, through its agent, Rodney Jacobs, interfered with, restrained, and denied Plaintiff the exercise and/or the attempted exercise of the rights afforded to her by the Family Medical Leave Act of 1993.

19. Plaintiff had worked for Defendant since approximately February 18, 2019 (excluding the time period from January 6, 2020 through March 9, 2020), and Plaintiff had worked more than one thousand two hundred fifty (1,250) hours in the twelve (12) months preceding her forced resignation.

20. Plaintiff alleges and asserts that forced resignation was unlawful pursuant to the Family and Medical Leave Act of 1993. Plaintiff's forced resignation was discriminatory since such interfered with, restrained, and/or denied Plaintiff from the exercise and/or attempted exercise of her protected medical leave rights under the Family Medical Leave Act.

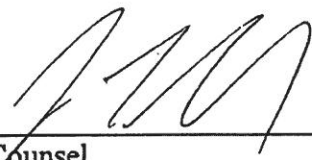
WHEREFORE, Plaintiff prays that this Honorable Court enter judgment against Defendant as follows:

1. Statutory damages in the amount of twenty-five thousand dollars (\$25,000.00) for lost wages, benefits, and other compensation, plus interest on such sum at the statutory rate, pursuant to 29 U.S.C. § 2617(a)(1)(A)(i) and (ii);
2. Additional liquidated damages in the amount of the above requested award of compensatory damages, pursuant to 29 U.S.C. § 2617(a)(1)(A)(iii);
3. Additional equitable relief as this Honorable Court deems appropriate, pursuant to 29 U.S.C. § 2617(a)(1)(B);

4. Attorney's fees, expert witness fees, and costs of this action, pursuant to 29 U.S.C. § 2617(a)(3);

5. Any such further relief that this Honorable Court deems just and proper.

Respectfully submitted,
MAKAYLA J. CLARY,

By: 
Counsel

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